



## REGISTER NOTICE

SAN # 2012-17

1. TITLE OF THE REGULATIONS:

Amendment to 7 **DE Admin. Code** 1138 Emission Standards for Hazardous Air Pollutants for Source Categories

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

On November 1, 2009, the Department adopted Section 10 into 7 **DE Admin. Code** 1138. That regulatory action was precipitated by the EPA's adoption of a new area source air toxics standard under 40 CFR Part 63 Subpart WWWW (Subpart 6Ws) on June 12, 2008, which was applicable nationally to metal plating and polishing facilities that emit cadmium, chromium, lead, manganese, or nickel compounds.

In 2010, the EPA received numerable questions from individual metal plating and polishing facilities and their industry trade associations seeking clarifications and interpretations on various aspects of their original June 12, 2008 adoption of Subpart 6Ws. Following this dialogue and review, the EPA amended Subpart 6Ws on September 19, 2011. The primary change effected by the EPA's amendment was a clarification that Subpart 6Ws did not apply to any bench scale activities. At the same time, the EPA 1) clarified industries' confusion on applicability of Subpart 6Ws to various types of metal plating operations, 2) corrected portions of the original text that was prone to misinterpretation, and 3) corrected several technical errors.

This proposed amendment to Section 10 of 7 **DE Admin. Code** 1138 is being undertaken to incorporate the clarifications and corrections the EPA made to Subpart 6Ws (76 FR 57913, 9/19/11), in order to maintain the consistency of Delaware's air toxics regulatory requirements under Section 10 with national requirements under Subpart 6Ws.

3. POSSIBLE TERMS OF THE AGENCY ACTION: None

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT: 7 Delaware Code, Chapter 60

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL: None

6. NOTICE OF PUBLIC COMMENT:

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Thursday, June 27, 2013 starting at 6:00 PM in the DNREC Richardson & Robbins Auditorium, 89 Kings Highway, Dover, DE. Interested parties may submit comments in writing to: Jim Snead, DNREC Division of Air Quality, 715 Grantham Lane, New Castle, DE 19720.

7. PREPARED BY:

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May 2, 2013

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Name/Phone #/email address

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